

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

ATTORNEY DOCKET NO. CYM-024  
(2174/12)

1. Name of conveying party(ies):

Gail E. Radcliffe  
Daniel C. Lapen  
Charles A. Festel

Additional name(s) of conveying party(ies)  
attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: 5/22/98 and 5/17/98

2. Name and address of receiving party(ies):

Name: Cytoc Corporation  
Street Address: 85 Swanson Road

City: Boxborough State: MA  
Zip: 01719

Additional name(s) and address(es) attached?  
☐ Yes ☒ No



4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application  
is: \_\_\_\_\_

A. Patent Application No. (s)

08/742,647

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom  
correspondence concerning document should  
be mailed:

Name: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
Street Address: High Street Tower  
125 High Street  
City: Boston State: MA Zip: 02110

6. Total number of application and patents involved:

1

7. Total fee (37 CFR 3.41) \$ 40.00

☒ Enclosed  
☐ Authorized to be charged to deposit account

8. Deposit Account Number: 20-0531

(Attach duplicate copy of this page if paying  
by deposit account)

DO NOT USE THIS SPACE

9. Statement of signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any  
attached copy is a true copy of the original document.

Michael J. Schmelzer, Reg. No. P-43,093  
Name of Person Signing

Michael J. Schmelzer  
Signature

May 8, 1998  
Date

Total number of pages comprising cover sheet, attachments and document: 4

ASSIGNMENT

WHEREAS, We, Gail E. Radcliffe, Daniel C. Lapen and Charles A. Festel have invented one or more improvements in:

SYSTEMS AND METHODS FOR COLLECTING FLUID SAMPLES HAVING SELECT  
CONCENTRATIONS OF PARTICLES

described in an application (or provisional application) for Letters Patent of the United States:

☐ identified by Attorney Docket No. \_\_\_\_\_, and/or executed by us of even date herewith and about to be filed in the United States Patent Office;

☒ Serial No. 08/742,647 filed in the United States Patent Office on November 1, 1996; and

WHEREAS, Cytac Corporation (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the State of Delaware, and having a usual place of business at 85 Swanson Road, Boxborough, Massachusetts 01719 desires to acquire an interest therein, in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns, and legal representatives, our entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to the inventions described in said application, together with our entire right, title and interest in and to said application and such Letters Patent as may issue thereon or claim priority under international convention, including but not limited to continuations, divisionals, reissues, and reexaminations of said application of such Letters Patent; said inventions, applications and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all of our rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of our entire right, title and interest in and to said inventions, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all Letters Patent to ASSIGNEE for its own name as assignee of our entire right, title and interest therein.

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns, and legal representatives, but at its or their expense and charges, including: the execution of applications for patents in foreign countries; the execution of substitution, reissue, divisional or continuation applications; and preliminary or other statements or the giving of testimony in any interference or other proceeding in which said inventions or any application or patent directed thereto may be involved; and we further hereby authorize ASSIGNEE or its attorneys or agents to insert the correct serial number and filing date into this assignment, if none is indicated on that date of our execution of this assignment;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

*IN TESTIMONY WHEREOF*, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor: \_\_\_\_\_  
Gail E. Radcliffe

Commonwealth of Massachusetts )  
County of \_\_\_\_\_ ) ss

Subscribed and sworn to before me, by the above-named Gail E. Radcliffe this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

Inventor: *Daniel C. Lapen*  
Daniel C. Lapen

Commonwealth of Massachusetts )  
County of *Middlesex* ) ss

Subscribed and sworn to before me, by the above-named Daniel C. Lapen this 8<sup>th</sup> day of April, 1998.

*R Margaret L. Vachon*  
Notary Public  
My Commission Expires: 5/17/02

Inventor: *Charles A. Festel*  
Charles A. Festel

Commonwealth of Massachusetts )  
County of *Middlesex* ) ss

Subscribed and sworn to before me, by the above-named Charles A. Festel this 29<sup>th</sup> day of April, 1998.

*R Margaret L. Vachon*  
Notary Public  
My Commission Expires: 5/17/02

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor: Gail E. Radcliffe  
Gail E. Radcliffe

Commonwealth of Massachusetts )  
County of Worcester ) ss

Subscribed and sworn to before me, by the above-named Gail E. Radcliffe this 10<sup>th</sup> day of April, 1998.

Carl A. Mangano  
Notary Public  
My Commission Expires: 5/22/98

Inventor: \_\_\_\_\_  
Daniel C. Lapen

Commonwealth of Massachusetts )  
County of \_\_\_\_\_ ) ss

Subscribed and sworn to before me, by the above-named Daniel C. Lapen this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

Inventor: \_\_\_\_\_  
Charles A. Festel

Commonwealth of Massachusetts )  
County of \_\_\_\_\_ ) ss

Subscribed and sworn to before me, by the above-named Charles A. Festel this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_